

CAUSE NO. #23 DCV0776-----BARBERS HILL INDEPENDENT SCHOOL DISTRICT v. DARRESHA G. FOR MINOR PLAINTIFF D.G.-----253RD DISTRICT COURT OF CHAMBERS, COUNTY

**IN THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT
OF TEXAS HOUSTON DIVISION**

United States Courts
Southern District of Texas
FILED

SEP 29 2023

**DARRESHA GEORGE, individually and
a/n/f of D.G. and D.G.,**

Plaintiffs,

v.

**BARBER'S HILL INDEPENDENT
SCHOOL DISTRICT,**

Defendant.

§
§
§
§
§
§
§
§

Nathan Ochsner, Clerk of Court

C.A. NO. 4:23-cv- 3681

DEFENDANTS' NOTICE OF REMOVAL

Defendant, Darresha G. as next friend of D.G., appear pursuant to 28 U.S.C. § 1446(a) to file this Notice of Removal.

1. Prior to removal, Plaintiff, BHISD filed its PLAINTIFF'S ORIGINAL PETITION FOR DECLARATORY RELIEF on September 20, 2023, in the 253RD District Court of Chambers County, Texas, styled as Cause No.23DCV0776; *Barber's Hill Independent School District v. Darresha G. on behalf of D.G., a minor child.*
2. Defendant, Darresha G. on behalf of D.G. was not personally served with service of process, although Defense Counsel was sent an email alluding to a filing by BHSID on September 20, 2023. Accordingly, this action has been timely removed to federal court within the thirty-day period prescribed by 28 U.S.C. § 1446(b).
3. In their complaint, Plaintiff alleges claims underneath THE TEXAS CROWN ACT and asks the Court to make a judicial determination as to whether its dress code and grooming policy violates THE CROWN ACT. Defendant, filed a lawsuit against Greg Abbott and Ken Paxton for violations of race and sex discrimination (direct and disparate impact), due process and equal protection violations, as well as violations of THE CROWN ACT and other state claims (such as breach of fiduciary duty and IIED). Once Defendants were sued in state district court, BHSID and BHISD employees waived their right to force Plaintiff to exhaust her/their administrative remedies, and so,

CAUSE NO. #23 DCV0776-----BARBERS HILL INDEPENDENT SCHOOL DISTRICT v. DARRESHA G. FOR MINOR PLAINTIFF D.G.-----253RD DISTRICT COURT OF CHAMBERS, COUNTY

Defendant countersued Plaintiff. Defendant then filed this notice of removal. Since this Court would thus have had original “federal question” jurisdiction under Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000e et seq; 42 U.S.C. Section 1983 and 1988 et seq. if Defendant’s counterclaims had been filed originally in federal court, jurisdiction over this case is exercisable by removal under 28 U.S.C. § 1441(a) & (b). Plaintiff has also asserted Texas law claims arising out of same factual transaction, over which this Court has supplemental jurisdiction. *See* 28 U.S.C. Sec. 1367.

4. Before removing to federal court, Defendants appeared and answered this lawsuit. In the same pleading Defendants filed a counterclaim, request for declaratory judgment, and request for TRO Injunction on many federal issues.

No other Defendants have been served in this suit.

5. Defendants requested a jury trial in their countersuit.

6. Upon the filing of this Notice of Removal, written notice of the filing of these removal papers is being given to Plaintiff by Defendants removing this action. A copy of the Notice of Removal is also being filed with Chamber’s County District Clerk. The following index is provided as required by the Local Rules for the Southern District of Texas:

Index of Matters Filed

Exhibit A	Plaintiff’s Original Petition for Declaratory Relief
Exhibit B	Defendant’s Original Answer and Countersuit
Exhibit C	Notice of Removal filed in State Court
Exhibit D	Copy of the Docket Sheet in the state court action
Exhibit E	List of Attorneys and Parties in the state court action

CAUSE NO. #23 DCV0776-----BARBERS HILL INDEPENDENT SCHOOL DISTRICT v. DARRESHA G.
FOR MINOR PLAINTIFF D.G.-----253RD DISTRICT COURT OF CHAMBERS, COUNTY

7. The requirements of 28 U.S.C. §1446(a), (b), (d) and (e) and S.D. Tex. Loc. R. LR81
are thus satisfied. Accordingly, Defendants in the action, appear and respectfully request that the
removal of this action be entered on the docket of this Court.

Respectfully submitted,

By: /s/ Allie R. Booker

Allie R. Booker
State Bar No. 24071071
THE BOOKER LAW FIRM
1200 Rothwell
Houston, Texas 77002
713-292-2225
booker@bookerlawfirm.com
COUNSEL FOR DEFENDANTS
DARRESHA G. AS NEXT FRIEND OF
D.G.

CERTIFICATE OF SERVICE

I certify that all counsel of record have been served a true and correct copy of this document
by email and by electronic service through Texas E-Filing for Court on September 26, 2023 and
also in and through the Pacer (NexGen) System, the E-filing system for the Southern District of
Texas.

/s/ Allie R. Booker

Allie R. Booker

Filing Submitted for Case: 79968294; ; Envelope Number: 79968294

no-reply@efilingmail.tylertech.cloud <no-reply@efilingmail.tylertech.cloud>

Tue 9/26/2023 4:46 PM

To:Allie Booker <booker@bookerlawfirm.com>

**Filing Submitted**

Envelope Number: 79968294

Case Number: 79968294

Case Style:

The filing below has been submitted to the clerk's office for review. Please allow 24 - 48 hours for clerk office processing.

Filing Details	
Court	Lee County
Date/Time Submitted	9/26/2023 4:45 PM CST
Filing Type	Petition
Filing Description	Original Petition in Suit Affecting the Parent-Child Relationship with TRO Request
Type of Filing	EFile
Filed By	ALLIE BOOKER
Filing Attorney	ALLIE BOOKER

Fee Details															
<p>Your account is never charged until your filing is accepted. If you see any pending charges on your account prior to acceptance, this is an authorization hold to ensure the funds are available so your filing can be accepted without delay.</p> <p>If the filing is canceled or rejected these funds will be released and will return to your account according to your financial institution's policies (typically 3-10 business days).</p>															
<p>This envelope is pending review and fees may change.</p> <table> <tr> <td>Case Fee Information</td><td>\$360.58</td></tr> <tr> <td>Case Fees</td><td>\$350.00</td></tr> <tr> <td>Payment Service Fees</td><td>\$10.58</td></tr> <tr> <td>Petition</td><td>\$16.00</td></tr> <tr> <td>• Optional Services</td><td>Fee Per Quantity</td></tr> <tr> <td>• Issue Citation</td><td>\$8.00 1 \$8.00</td></tr> <tr> <td>• Issue Precept/Notice</td><td>\$8.00 1 \$8.00</td></tr> </table>		Case Fee Information	\$360.58	Case Fees	\$350.00	Payment Service Fees	\$10.58	Petition	\$16.00	• Optional Services	Fee Per Quantity	• Issue Citation	\$8.00 1 \$8.00	• Issue Precept/Notice	\$8.00 1 \$8.00
Case Fee Information	\$360.58														
Case Fees	\$350.00														
Payment Service Fees	\$10.58														
Petition	\$16.00														
• Optional Services	Fee Per Quantity														
• Issue Citation	\$8.00 1 \$8.00														
• Issue Precept/Notice	\$8.00 1 \$8.00														
Total:\$376.58 (The envelope still has pending filings and the fees are subject to change)															

Document Details

Lead Document	Petition in Suit Affecting the Parent-Child Relationship- for filing-Schautschick.pdf
Lead Document Page Count	6
File Copy	Download Document
This link is active for 30 days.	

For technical assistance, contact your service provider

Need Help? [Help](#)
Visit: <https://efiletexas.gov/contacts.htm>
Email: support@eFileTexas.gov

Please do not reply to this email. It was automatically generated.